



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,982	08/18/2003	Glen Alan Jaquette	TUC920030071US1	3521

7590 03/23/2005

John H. Holcombe  
IBM Corporation  
Intellectual Property Law  
8987 E. Tanque Verde Rd. #309-374  
Tucson, AZ 85749-9610

EXAMINER
----------

NEGRON, DANIEL L

ART UNIT	PAPER NUMBER
----------	--------------

2651

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/642,982

Applicant(s)

JAQUETTE, GLEN ALAN

Examiner

Daniell L. Negrón

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-12,17-23,28-34,39-45 and 50-55 is/are rejected.
- 7) ☒ Claim(s) 2-5,13-16,24-27,35-38 and 46-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 18 August 2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on August 18, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6-12, 17-23, 28-34, 39-45, and 50-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Contreras et al U.S. Patent No. 5,995,306.

Regarding claim 1, Contreras et al disclose a recording system for a magnetic tape drive, the magnetic tape drive having a plurality of write heads (Fig. 3) for writing to magnetic tape (32) while the magnetic tape is moved longitudinally with respect to the plurality of write heads, the recording system comprising at least one buffer (116) storing data to be written to magnetic tape, the at least one buffer having a plurality of separate data flow outputs (column 9, lines 53-65).

Contreras et al further disclose a recording system for a magnetic tape drive comprising a plurality of recording channels receiving output data flow from the plurality of separate data flow outputs, and for operating separate sets of the plurality of write heads to write data to magnetic

Art Unit: 2651

tape and a controller (130) operating the at least one buffer and the plurality of recording channels (column 8, line 66 through column 9, line 4).

Contreras et al further disclose a recording system for a magnetic tape drive wherein the controller (130) operates the at least one buffer (116) and one of the plurality of recording channels to provide data from the at least one buffer to cause a separate set of the plurality of write heads to write the provided data to tracks of magnetic tape and saving the provided data at the at least one buffer (column 10, lines 4-8)

Contreras et al further disclose and during the same operation, operating the at least one buffer and another of the plurality of recording channels to provide saved the data from the at least one buffer to cause another separate set of the plurality of write heads to rewrite the saved data to other tracks of the magnetic tape in a continuous arrangement, whereby the separate sets of the plurality of write heads, write the data to magnetic tape, and rewrite the saved data to the magnetic tape, during the same operation, the rewritten data comprising a continuous arrangement of the data (column 49, lines 9-14).

Furthermore, Contreras et al discloses that head unit (100) comprises a plurality of write heads for recording onto a plurality of tracks, which span laterally on the magnetic tape (32). Data stored to buffer (116) and written to a tape track (e.g. TG39 as shown in Fig. 39) and may be rewritten to separate tracks (e.g. TG39R) on the tape as disclosed in sections 7.5.2.1 and 7.5.2.2 of the disclosure.

Regarding claims 6 and 8, Contreras et al disclose a recording system for a magnetic tape drive wherein the magnetic tape drive wherein the magnetic tape drive a recording system for a magnetic tape drive additionally comprising a wrap control for translating the plurality of write

Art Unit: 2651

heads laterally to different sets of wraps of the tracks of magnetic tape, such that either of the sets of write heads may write data to at least some of the wraps; and wherein the controller (130) operates the wrap control, the at least one buffer and the plurality of recording channels to access the wraps in a sequence, such that a wrap having the data to be saved follows in the sequence a wrap at which the data is rewritten (i.e. TG39R), such that a continuous string of wraps are first written with the data to be saved, and then are overwritten with the rewritten data (column 49, lines 9-14) and wherein wraps are offset from each other (see Fig. 39).

Regarding claim 7, Contreras et al disclose a recording system for a magnetic tape drive wherein the magnetic tape drive wherein the magnetic tape drive additionally comprises a plurality of read heads (104) for reading from magnetic tape while the magnetic tape is moved longitudinally with respect to the plurality of read heads, and a read data system, wherein the controller additionally operates the read data system to read one of the wraps at a time with one set of the plurality of read heads (column 48, lines 48-54).

Regarding claim 9, Contreras et al disclose a recording system for a magnetic tape wherein the controller (130) additionally operates the at least one buffer (116) and one of the recording channels to cause a set of the plurality of write heads to temporarily rewrite selected saved the data from the at least one buffer to the magnetic tape, and releases the selected data as originally written to tracks of the magnetic tape, the release allowing the originally written data to be overwritten (column 9, lines 53-65 and column 48, lines 5-8).

Furthermore, as shown by Contreras et al, data is released from the buffer once written successfully to the magnetic tape and the following data to be written to the tape is overwritten

Art Unit: 2651

onto the buffer for further processing. If data written to the tape is found to be defective, original data is held in buffer until it is rewritten to an alternate track successfully, and is then released.

Regarding claims 10, 11, 21, and 22, claims 10, 11, 21, and 22 have limitations similar to those treated in the above rejections of claims 1 and 7, and are met by the reference as discussed above.

Regarding claims 12 and 17-20, claims 12 and 17-20 have limitations similar to those treated in the above rejections of claims 1 and 6-9, and are met by the reference as discussed above.

Regarding claims 32, 33, 43, 44, 54, and 55, method claims 32, 33, 43, 44, 54, and 55 are drawn to the method of using the corresponding apparatus claimed in claims 1 and 7. Therefore method claims 32, 33, 43, 44, 54, and 55 correspond to apparatus claims 1 and 7 and are rejected for the same reasons of anticipation as used above. Furthermore, in regards to claims 43, 44, 54, and 55, Contreras et al discloses that the apparatus disclosed functions through execution of a computer program (i.e. control logic) (column 8, lines 3-11).

Regarding claims 23, 28-31, 34, 39-42, 45, and 50-53, method claims 23, 28-31, 34, 39-42, 45, and 50-53 are drawn to the method of using the corresponding apparatus claimed in claims 1 and 6-9 as discussed above. Therefore method claims 23, 28-31, 34, 39-42, 45, and 50-53 correspond to apparatus claims 1 and 6-9 and are rejected for the same reasons of anticipation as used above. Furthermore, in regards to claims 34, 39-42, 45, and 50-53, Contreras et al discloses that the apparatus disclosed functions through execution of a computer program (i.e. control logic) (column 8, lines 3-11).

Regarding claims 34, 43, 45, and 54, method claims 34, 43, 45, and 54 are drawn to the method of using the corresponding apparatus claimed in claim 1 as discussed above. Therefore method claims 34, 43, 45, and 54 correspond to apparatus claim 1 and are rejected for the same reasons of anticipation as used above. Furthermore, Contreras et al discloses that the apparatus disclosed functions through execution of a computer program (i.e. control logic) (column 8, lines 3-11).

***Allowable Subject Matter***

4. Claims 2-5, 13-16, 24-27, 35-38, and 46-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 571-272-7559. The examiner can normally be reached on Monday-Friday (8:30-6:00) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DLN   
March 16, 2005

  
**DAVID HUDSPETH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**